

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">GLORIA SMALL UNITED STATES DISTRICT COURT DISTRICT OF NEW YORK</p> <p>-----X MICHAEL STEPSKI, : KIRSTEN STEPSKI : GEAL RODERICK : AND BENJAMIN SCHOBER : Plaintiffs, : : vs. :No. 06 Civil 1694 (KMK) :JULY 18, 2008 The M/V NORASIA ALYA, : her owners, operators, : etc., and MS. "ALENA" : SCHIFFFAHRTSGESSELLSCHAFT: mbh &amp; CO. KG, PETER : DOHLE SCHIFFFAHRTS-KG : Defendants. : -----X</p> <p>Deposition of Gloria Small, taken pursuant to Notice and in accordance with Section 13-27 of the Connecticut Practice Book, at the offices of Gloria Small, 26 Long Hill Road, Guilford, Connecticut, on July 18, 2008 at 11:00 a.m., before Nataasha Christie Stewart, L.S.R. (Lic. #SHR.205), a Licensed Shorthand Reporter and Notary Public within and for the State of Connecticut.</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">GLORIA SMALL S T I P U L A T I O N S</p> <p>1 2 3 4 It is stipulated by counsel for the 5 parties that all objections are reserved until the 6 time of trial, except those objections as are 7 directed to the form of the question. 8 It is stipulated and agreed between 9 counsel for the parties that the proof of the 10 authority of the Notary Public before whom this 11 deposition is taken is waived. 12 It is further stipulated that any defects 13 in the Notice are waived. 14 It is further stipulated that the 15 deposition may be signed before any Notary Public. 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 2</p> <p>1 GLORIA SMALL 2 A P P E A R A N C E S: 3 ON BEHALF OF THE PLAINTIFF: THOMAS H. HEALEY, ESQ. 4 17 BATTERY Place, Suite 605 New York, NY 10004 5 6 ON BEHALF OF THE DEFENDANTS: MICHAEL E. UNGER, ESQ 7 FREEHILL, HOGAN &amp; MAHAR, LLP 80 Pine Street, 24 fl. 8 New York, NY 10005 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 4</p> <p>1 Gloria Small 2 G L O R I A S M A L L, 3 of Connecticut being first duly sworn by Natasha 4 Christie Stewart, Professional Reporter, a Notary 5 Public within and for the State of Connecticut, was 6 examined and testified on his oath as follows: 7 DIRECT EXAMINATION 8 BY MR. UNGER: 9 Q Good morning, Dr. Small, for the record my 10 name is Michael Unger, I'm an attorney with Freehill 11 Hogan &amp; Mahar, lawyers in New York. We represent 12 the defendants in a lawsuit that has been brought by 13 Michael Stepski, his wife, Kirsten, Geal Roderick 14 and Benjamin Schober. 15 MR. HEALEY: Schober, and you have all 16 of the names in the caption. 17 Q We are here today to ask you some 18 questions concerning your involvement with these two 19 individuals and, in particular, your treatment of 20 them arising out of a incident which took place back 21 in May of 2004. 22 Okay. If at any time you don't understand 23 one of my questions, let me know I'll be happy to 24 rephrase it; okay, and please just so it's easier</p>

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<p>1 Gloria Small</p> <p>2 for the court reporter if you would wait for me to</p> <p>3 finish my question before you answer that will help</p> <p>4 her out.</p> <p>5 Okay?</p> <p>6 A Okay.</p> <p>7 Q And please keep your voice up so she can</p> <p>8 hear you, as well.</p> <p>9 Okay?</p> <p>10 A Okay.</p> <p>11 Q Have you ever been deposed?</p> <p>12 A Yes.</p> <p>13 Q How many times?</p> <p>14 A Two.</p> <p>15 Q Were those in connection with lawsuits</p> <p>16 involving your patients?</p> <p>17 A Yes.</p> <p>18 Q So you, pretty much, know the drill in</p> <p>19 terms of how we go about this.</p> <p>20 Let me ask you: Those two times you were</p> <p>21 deposed, when were they?</p> <p>22 A One was approximately two years ago, and</p> <p>23 one was -- am I speaking loudly enough?</p> <p>24 COURT REPORTER: Yes.</p>	<p>1 Gloria Small</p> <p>2 allowed to give these names because of</p> <p>3 patient confidentiality.</p> <p>4 Q That's fine.</p> <p>5 Can you at least tell me who the attorneys</p> <p>6 were in those cases?</p> <p>7 A I don't have the memory at the top of my</p> <p>8 head, but I can get you the information from my</p> <p>9 files.</p> <p>10 Q Okay.</p> <p>11 We are going to get a copy of this</p> <p>12 transcript sent to you, and we will leave some</p> <p>13 blanks and ask you to fill in those blanks to fill</p> <p>14 in the names of the attorneys who were involved in</p> <p>15 both of those cases?</p> <p>16 (See Line 17 Page 3: _____.)</p> <p>17 A That would be fine.</p> <p>18 I could tell you the name of the</p> <p>19 corporation that was involved in the first case.</p> <p>20 Q That would be helpful?</p> <p>21 A It was the Pfizer Corporation. I could</p> <p>22 tell you the details, but I couldn't tell you the</p> <p>23 names of the person.</p> <p>24 Q Well, if you could give me a brief of what</p>
Page 6	Page 8
<p>1 Gloria Small</p> <p>2 A -- and one was several months ago.</p> <p>3 Q And that was -- did you testify at trial?</p> <p>4 A Neither are case came to trial.</p> <p>5 Q All right.</p> <p>6 Both depositions involved your treatment</p> <p>7 of patients?</p> <p>8 A I treated both patients.</p> <p>9 Q And both patients had lawsuits against</p> <p>10 some other party?</p> <p>11 A Yes.</p> <p>12 Q You weren't the defendant?</p> <p>13 A No.</p> <p>14 Q Okay.</p> <p>15 Did either case involve a patient that had</p> <p>16 PTSD?</p> <p>17 A Yes.</p> <p>18 Q Which one was that?</p> <p>19 A Both.</p> <p>20 Q What was the name what were the name of</p> <p>21 the patients?</p> <p>22 A Um, I need to ask a question.</p> <p>23 Q Sure. Okay.</p> <p>24 THE WITNESS: I'm not sure if I'm</p>	<p>1 Gloria Small</p> <p>2 the case was about?</p> <p>3 A Yes, it was a case of complex</p> <p>4 posttraumatic stress disorder. A woman had been 23</p> <p>5 years old when her father had murdered her mother in</p> <p>6 front of her. When she worked for this corporation</p> <p>7 many, many, many years later, a fellow employee</p> <p>8 showed her harassing e-mails during which a</p> <p>9 frightening image appeared on the screen and it</p> <p>10 caused this woman to suffer flashbacks and enormous</p> <p>11 physical distress which involved her hospitalization</p> <p>12 and great difficulty afterward.</p> <p>13 Q What about the other case, can you give me</p> <p>14 a thumbnail about what that case was about?</p> <p>15 A The second case involved an elderly woman</p> <p>16 who was involved in an automobile accident and</p> <p>17 traumatized after the accident that caused her</p> <p>18 enormous physical and mental injuries.</p> <p>19 Q Were those cases filed with the state or</p> <p>20 federal court, if you know?</p> <p>21 A I believe there was -- I'm not sure.</p> <p>22 There was some question about both state</p> <p>23 and federal in the first case. I'm not sure.</p> <p>24 The second one I think was the state.</p>

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<p>1 Gloria Small</p> <p>2 Q Okay.</p> <p>3 MR. HEALEY: What state?</p> <p>4 Q Connecticut?</p> <p>5 A Connecticut.</p> <p>6 Q And those two cases are the only two cases</p> <p>7 in which you've testified in concerning treatment of</p> <p>8 your patients?</p> <p>9 A In a court of law.</p> <p>10 I was called to, um, appear before a</p> <p>11 committee. I'm not sure if it was a committee of</p> <p>12 the Bar. A patient of mine wanted to be an attorney</p> <p>13 and there were questions that the examining</p> <p>14 committee had about this individual, and I appeared</p> <p>15 in that case. I don't know what the committee was.</p> <p>16 It was a committee.</p> <p>17 Q Character and fitness committee?</p> <p>18 A I think that was it.</p> <p>19 Q Let me ask you a couple of questions</p> <p>20 concerning your background and training, can you</p> <p>21 tell me where you went to school?</p> <p>22 A Um --</p> <p>23 Q College and --</p> <p>24 A The whole thing, yes, okay.</p>	<p>1 Gloria Small</p> <p>2 Q Are you certified in substance abuse?</p> <p>3 A No, I let that lapse.</p> <p>4 Q When did you do your training for EMDR?</p> <p>5 A Probably, five years ago, something like</p> <p>6 that.</p> <p>7 Q Where was that?</p> <p>8 A In New York City and in Ellington,</p> <p>9 Philadelphia.</p> <p>10 Q Where in New York City?</p> <p>11 A At a hotel of some sort.</p> <p>12 Q What organization?</p> <p>13 A There's an organization called -- I think</p> <p>14 it's called EMDRIA. It's an international</p> <p>15 association where they do EMDR.</p> <p>16 Q Can you tell me what EMDR stands for?</p> <p>17 A It stands for eye movement desensitisation</p> <p>18 and reprocessing.</p> <p>19 Q And you said that is a particular type of</p> <p>20 therapy that's used in actual trauma?</p> <p>21 A Yes.</p> <p>22 Q Briefly, can you describe what that</p> <p>23 therapy consists of?</p> <p>24 A Well, basically the patient is brought</p>
Page 10	Page 12
<p>1 Gloria Small</p> <p>2 Q I don't know need to know elementary</p> <p>3 school?</p> <p>4 A It's a long story. I went to Long Island</p> <p>5 School of Design earned bachelors in fine arts, then</p> <p>6 I went to Case Western University, and I earned a</p> <p>7 masters' degree in I think it's early childhood</p> <p>8 education, and then a doctorate in it was</p> <p>9 educational psychology, um, then -- am I going to</p> <p>10 fast?</p> <p>11 Q No.</p> <p>12 A Then I earned an executive MBA at the</p> <p>13 University of New Haven, um, and, um, I did, um, a</p> <p>14 number of training programs in clinical work. One</p> <p>15 of those was at the Center for Family Learning. I</p> <p>16 think it's New Rochelle, actually, New York. I did</p> <p>17 analytic training at the Connecticut Center for</p> <p>18 Psychoanalytic Psychology. I was trained in a</p> <p>19 particular therapy that's used for trauma called</p> <p>20 EMDR in two different two training places.</p> <p>21 I also did some training in substance</p> <p>22 abuse disorders, and for a while had a certificate</p> <p>23 of proficiency from the Psychological Association in</p> <p>24 substance abuse disorders. That covers a lot.</p>	<p>1 Gloria Small</p> <p>2 into a relaxed state, and in a relaxed state which</p> <p>3 is induced by the therapist moving his or her hands</p> <p>4 the patient, um, following a certain protocol</p> <p>5 experiences both memories of a, um, cognitive and</p> <p>6 emotional level which tend to reduce the, um,</p> <p>7 distress of trauma.</p> <p>8 Q Okay.</p> <p>9 Can you tell me the circumstances of under</p> <p>10 which, um, Michael Stepski came to be a patient?</p> <p>11 A Yes.</p> <p>12 Um, I believe I received a telephone call</p> <p>13 from Ron Stevens, an attorney who I think had heard</p> <p>14 of me, and asked if I would be available to see</p> <p>15 Michael Stepski. I think he asked me if I could see</p> <p>16 Geal Roderick, as well.</p> <p>17 Q When was that?</p> <p>18 A It was in 2004.</p> <p>19 Q Do you remember the date?</p> <p>20 A Of the telephone call?</p> <p>21 Q Yes.</p> <p>22 A Well, not exactly, but I would -- it was</p> <p>23 after the accident on May 22nd, so presumably</p> <p>24 sometime shortly after that.</p>

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<p>1 Gloria Small</p> <p>2 Q And had you ever met with Attorney Stevens</p> <p>3 before?</p> <p>4 A I never met with him.</p> <p>5 Q Did you know who he was?</p> <p>6 A No, it was a telephone call. I've never I</p> <p>7 met him.</p> <p>8 Q And you know Mr. Healey.</p> <p>9 Correct?</p> <p>10 A I met Mr. Healey for the first time face</p> <p>11 too face about a half hour ago.</p> <p>12 MR. HEALEY: That's right.</p> <p>13 Q Had you ever -- prior to today, had you</p> <p>14 spoken with Mr. Healey over a telephone?</p> <p>15 A Just in reference to this deposition.</p> <p>16 Q When you say "just in reference," can you</p> <p>17 tell me what you mean by that?</p> <p>18 A Well, when I received it, it was a little</p> <p>19 strange when I received the request for deposition</p> <p>20 from your office. Actually, with a certain date</p> <p>21 that I had no knowledge about it, and I didn't quite</p> <p>22 know what to do. So I called Ron Stevens again, and</p> <p>23 he said I should call Tom Healey and I guess we</p> <p>24 spoke at that time. I think he may have told me</p>	<p>1 Gloria Small</p> <p>2 A He told me there had been an accident at</p> <p>3 sea that these were fishermen. I don't know if he</p> <p>4 asked me had I ever worked with fishermen, but how</p> <p>5 did I feel about it and would I be able to do this,</p> <p>6 and I felt I would be able to and I had the time.</p> <p>7 Q Was there anything else discussed in that</p> <p>8 first phone call?</p> <p>9 A No.</p> <p>10 Q Okay.</p> <p>11 Previously, had you ever worked with</p> <p>12 fishermen before?</p> <p>13 A No, but I have worked with many firemen</p> <p>14 and police officers but no fishermen.</p> <p>15 Q Just to be clear, mike step ski around I</p> <p>16 gale I Roderick are you your I patients is that</p> <p>17 right?</p> <p>18 A I don't consider them my patients at the</p> <p>19 present time. They were my patients, neither of</p> <p>20 them is in treatment at this point.</p> <p>21 Q Was Kirsten Stepski ever a patient?</p> <p>22 A No.</p> <p>23 Q And how about Ben Schober, was he ever a</p> <p>24 patient?</p>
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<p>1 Gloria Small</p> <p>2 that I should somehow contact your office and find</p> <p>3 out what it was all about.</p> <p>4 Q All right.</p> <p>5 Did you discuss the case at all with Mr. I</p> <p>6 Healey at any time?</p> <p>7 A No.</p> <p>8 Q Have you discussed the case at all at any</p> <p>9 time with Attorney Stevens?</p> <p>10 A Well, he -- yes in the sense that --</p> <p>11 Q Other than the first conversation?</p> <p>12 A No.</p> <p>13 The only thing we have spoken about has</p> <p>14 been that I have not been paid for some services</p> <p>15 rendered, and was to send, um, my statements to Ron</p> <p>16 Stevens and so I've been doing that periodically</p> <p>17 over the years.</p> <p>18 Q So the first time you spoke with</p> <p>19 Mr. Stevens he asked if you would be free to see</p> <p>20 Michael Stepski and Roderick.</p> <p>21 Did he tell you anything about what had</p> <p>22 happen?</p> <p>23 A Yes.</p> <p>24 Q What did he tell you?</p>	<p>1 Gloria Small</p> <p>2 A No.</p> <p>3 Q When was the first time that you saw --</p> <p>4 A I need to refer to my notes.</p> <p>5 Q -- saw Mr. Stepski?</p> <p>6 A July 8th, 2004.</p> <p>7 Q And is it correct that Mr. Stepski was</p> <p>8 seen before you ever saw Mr. Roderick?</p> <p>9 A Yes, I believe so.</p> <p>10 Q The conversation that you had with</p> <p>11 Attorney Stevens before you saw Mr. Stepski, was</p> <p>12 there one conversation or multiple conversations?</p> <p>13 A I don't remember, probably one.</p> <p>14 Q Did you have any notes concerning your</p> <p>15 conversation with Mr. Stevens?</p> <p>16 A No. It was nothing substantive. If I</p> <p>17 could see those people but we did not -- after that</p> <p>18 conversation, we never spoke about -- it would have</p> <p>19 been a breech of confidentiality at that point for</p> <p>20 me to speak to an attorney except if they gave me</p> <p>21 permission. I didn't have permission from them,</p> <p>22 there was no reason for me to speak to him about the</p> <p>23 treatment.</p> <p>24 Q Did you ever receive permission from</p>

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<p>1 Gloria Small</p> <p>2 either Mr. Stepski or Mr. Roderick to speak to their</p> <p>3 attorneys concerning their case?</p> <p>4 A Not that I can recall.</p> <p>5 Q I see you have a file in your lap.</p> <p>6 A Yes.</p> <p>7 Q May I just have a moment to briefly look</p> <p>8 through that, if I could, if that is all right with</p> <p>9 you?</p> <p>10 A Well, there are some things that I put</p> <p>11 together before as part of my preparation so I'll</p> <p>12 pull those out. Well, this is what I had pulled</p> <p>13 out.</p> <p>14 MR. HEALEY: Just he asked for your</p> <p>15 file.</p> <p>16 A Oh, for my file.</p> <p>17 MR. HEALEY: If you have other things,</p> <p>18 you can explain that, but what is your</p> <p>19 file is the first thing.</p> <p>20 MR. UNGER: Right.</p> <p>21 A Okay.</p> <p>22 In the manila folder, are things I put</p> <p>23 together, the rest of it maybe a little messy, and</p> <p>24 then things related to subpoenas and billing.</p>	<p>1 Gloria Small</p> <p>2 was something else.</p> <p>3 MR. HEALEY: I'll give you this back.</p> <p>4 I'd like to be able to stay abreast of</p> <p>5 Mr. Unger --</p> <p>6 THE WITNESS: Here are the two things</p> <p>7 I've given him.</p> <p>8 MR. UNGER: Off the record.</p> <p>9 THE WITNESS: I'll give you the list.</p> <p>10 (Witness complying.)</p> <p>11 BY MR. UNGER:</p> <p>12 Q Is there anything else besides these four</p> <p>13 pages that you looked at in connection with</p> <p>14 preparing?</p> <p>15 A No, I think I gave you a piece of paper</p> <p>16 called "materials I referred to."</p> <p>17 Q Right.</p> <p>18 A And all the things that were not stated</p> <p>19 were the things that were in the folder as part of</p> <p>20 the record that you looked at before. Um, the</p> <p>21 things I stated were things that I looked at as I</p> <p>22 was thinking about the material that I'd reviewed.</p> <p>23 Q Okay.</p> <p>24 Would you mind if we marked these</p>
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<p>1 Gloria Small</p> <p>2 MR. UNGER: Off the record.</p> <p>3 (Off the record.)</p> <p>4 Q Now, you have some other files with you,</p> <p>5 as well?</p> <p>6 A They are not files. They are just</p> <p>7 material I was looking at in reference to preparing</p> <p>8 and thinking about today.</p> <p>9 Q Would you mind if I look at what these</p> <p>10 are, please?</p> <p>11 A Sure.</p> <p>12 Q For the record, the witness has provided</p> <p>13 me with a one sheet piece of paper that has some</p> <p>14 citations to various -- I guess these are clinical</p> <p>15 journals.</p> <p>16 Is that correct?</p> <p>17 A No, it's a book.</p> <p>18 Q Are these portions of a book that you have</p> <p>19 authored or...</p> <p>20 A I felt they were relevant.</p> <p>21 MR. HEALEY: Your file, your file.</p> <p>22 Let me see your file.</p> <p>23 THE WITNESS: You want to see what I</p> <p>24 gave him. That wasn't the file. It</p>	<p>1 Gloria Small</p> <p>2 documents as exhibits and then we can make copies?</p> <p>3 A I don't have a copy machine. Those are</p> <p>4 for you, I made a copy for each one.</p> <p>5 (Defense Small Exhibits 1 through 4 marked</p> <p>6 consecutively for identification.)</p> <p>7 Q Back on the record.</p> <p>8 We've marked as Small Exhibit 1 through 4,</p> <p>9 four pages which have been provided to us, and these</p> <p>10 are all materials that you reviewed in connection</p> <p>11 with the deposition today.</p> <p>12 Is that correct?</p> <p>13 A Um, I have three pages.</p> <p>14 Q Well, let's go over them. The first one</p> <p>15 we marked as Small Exhibit 1 is the list of --</p> <p>16 A Oh, okay.</p> <p>17 Q -- the list of chapters from a book that</p> <p>18 you consulted?</p> <p>19 A Um hum.</p> <p>20 Q Assessing Psychological Trauma and</p> <p>21 Posttraumatic Stress Disorder by Wilson and Keane,</p> <p>22 specifically you looked at a Chapter 7?</p> <p>23 MR. HEALEY: You don't have to read it</p> <p>24 you --</p>

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<p>1 Gloria Small</p> <p>2 Q Chapter 7 and 15 of that book; is that</p> <p>3 correct, right?</p> <p>4 A Yes.</p> <p>5 Q Exhibit 2 is a list of -- it's a page</p> <p>6 taken from a book.</p> <p>7 Can you tell us what book?</p> <p>8 A It's the same book. It says, "from above</p> <p>9 text Page 170." It's called Impact of the.</p> <p>10 Q Okay.</p> <p>11 A -- revised from above text. It is the</p> <p>12 second star.</p> <p>13 Do you see it on there?</p> <p>14 Q Okay.</p> <p>15 The third exhibit is listed materials</p> <p>16 referred to in relation to today's deposition, and</p> <p>17 it lists documents which you reviewed prior to</p> <p>18 today.</p> <p>19 Is that correct?</p> <p>20 A It's called "materials referred to?"</p> <p>21 Q Yes.</p> <p>22 A You are calling it NO. 3.</p> <p>23 Okay.</p> <p>24 Q And references an article from the London</p>	<p>1 Gloria Small</p> <p>2 WilsonandKeane text, you also reference a article</p> <p>3 from the New York times from July 15, 2008 which we</p> <p>4 have marked as Exhibit 4 called Losing Private</p> <p>5 Dwyer, d-w-y-e-r.</p> <p>6 Are those all the materials that you have</p> <p>7 reviewed in connection with today's deposition?</p> <p>8 A Yes.</p> <p>9 Q And can you tell me why you included the</p> <p>10 New York times article as being relevant to today's</p> <p>11 deposition?</p> <p>12 A Yes. I happened to read it on Tuesday,</p> <p>13 and I was struck by that particular article, um,</p> <p>14 there were many, many others as well as movies and</p> <p>15 films which have been presented to the American</p> <p>16 public in relation to men who were returning from</p> <p>17 Iraq. These men had been suffering from</p> <p>18 posttraumatic stress disorder, and very often we see</p> <p>19 them in trouble far more than these gentlemen but</p> <p>20 the story seems so illustrative.</p> <p>21 Q "Illustrative" of what?</p> <p>22 A Of what can happen when one is suffering</p> <p>23 from trauma which by in large has gone untreated.</p> <p>24 Q Okay.</p>
Page 22	Page 24
<p>1 Gloria Small</p> <p>2 Day dated June 13, 2004 concerning the incident and</p> <p>3 we have --</p> <p>4 A Are you calling that a number?</p> <p>5 Q No, I haven't called it anything yet. We</p> <p>6 do have the -- we do have the article from the paper</p> <p>7 and during an off the record conversation I believe</p> <p>8 you identified this is a newspaper clipping as</p> <p>9 having been provided to you by Michael Stepski at</p> <p>10 your first visit?</p> <p>11 A Correct.</p> <p>12 Q We are going to make a copy of this and</p> <p>13 Mr. Healey will return the original to you.</p> <p>14 Okay?</p> <p>15 A Yes.</p> <p>16 MR. HEALEY: It's two pieces?</p> <p>17 MR. UNGER: The article is actually</p> <p>18 two pieces of paper from the New</p> <p>19 London Day.</p> <p>20 Q And then, referring back to Exhibit 3,</p> <p>21 your list of materials. The next item is your notes</p> <p>22 concerning Mr. Roderick, your notes concerning Mr. I</p> <p>23 Stepski, Dr. Mariam's report on both Roderick and</p> <p>24 Stepski, and you refer again to an excerpt from the</p>	<p>1 Gloria Small</p> <p>2 Are you suggesting that what occurred to</p> <p>3 Mr. Dwyer described in the article is something that</p> <p>4 has or will occur to Mr. Stepski or Mr. Roderick?</p> <p>5 A No, I couldn't know that.</p> <p>6 Q Oh.</p> <p>7 Now, we have covered everything else that</p> <p>8 you have before you?</p> <p>9 A Correct.</p> <p>10 Q Okay.</p> <p>11 You also produced a hanging folder that</p> <p>12 has been labeled "Stepski" and it's got a manila</p> <p>13 folder inside of it which has --</p> <p>14 A It's has what we --</p> <p>15 Q Okay.</p> <p>16 Its has a number of documents in it. I'd</p> <p>17 just like to have the record reflect what's</p> <p>18 contained in this. If you just give me a moment,</p> <p>19 there's an article from The Day dated June 13 of</p> <p>20 2004, captioned A Trip to the Brink which discusses</p> <p>21 Mr. Stepski's incident. There's a July 7th, 2008</p> <p>22 fax from Mr. Healey to you forwarding Dr. Mariam's</p> <p>23 report on Mr. Stepski looks like, fax consisting of</p> <p>24 six pages in total, the cover and five pages or Dr.</p>

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<p>1 Gloria Small</p> <p>2 Mariam's report, and the fax also says, "I'll speak</p> <p>3 to you during the week of July 14th."</p> <p>4 Did you have a conversation with</p> <p>5 Mr. Healey on the week of July 14th?</p> <p>6 A Yes.</p> <p>7 Q Can you relay the content of that</p> <p>8 discussion?</p> <p>9 A Yes.</p> <p>10 I said I had reviewed this report, but I</p> <p>11 had not received the report from Mr. Roderick. I</p> <p>12 was wondering whether I would have a copy of that</p> <p>13 report. I think I also, um, asked whether I would</p> <p>14 be receiving a copy of the coast guard report which</p> <p>15 I had known Michael Stepski had been waiting for</p> <p>16 when I was working with him, and I was told that</p> <p>17 that would not be forwarded to me.</p> <p>18 Q Did you discuss the contents of Dr.</p> <p>19 Mariam's report?</p> <p>20 A No.</p> <p>21 Q Did you share your views in any way</p> <p>22 concerning the case with Mr. Healey during your</p> <p>23 July 14th conversation?</p> <p>24 A No.</p>	<p>1 Gloria Small</p> <p>2 contact with Michael Stepski dated December 26, 2006</p> <p>3 and two pages of notes concerning your visits with</p> <p>4 Mr. Stepski on July 8th and July 12, 2004 plus</p> <p>5 another copy of I Appendix 7.1 from the Wilson and</p> <p>6 Keane text. Further included in the hanging file is</p> <p>7 the February 28th, 2005 letter which was sent to</p> <p>8 Attorney Stevens concerning unpaid charges for</p> <p>9 Michael Stepski, various copies of subpoenas and</p> <p>10 correspondence with respect to your records,</p> <p>11 releases for the records, handwritten notes with</p> <p>12 attorney Stevens' fax and telephone number on it.</p> <p>13 Then there is a purple folder that has copies</p> <p>14 additional copies of subpoenas and correspondence</p> <p>15 from defense counsel with authorizations. There is</p> <p>16 a December 10th, 2004 letter from you to Attorney</p> <p>17 Stevens and a August 5, 2004 letter from you to</p> <p>18 Attorney Stevens.</p> <p>19 A Excuse me.</p> <p>20 May I ask a question?</p> <p>21 Q Of course.</p> <p>22 A These letters are in reference to payment.</p> <p>23 Is that correct?</p> <p>24 Q Yes.</p>
Page 26	Page 28
<p>1 Gloria Small</p> <p>2 Q Okay.</p> <p>3 There are -- also in here is a copy of</p> <p>4 another fax from Mr. Healey dated July 15 and that</p> <p>5 provides a copy of Dr. Mariam's report on</p> <p>6 Mr. Roderick. It's four-page report. I'm sorry, a</p> <p>7 three-page report and one cover page being the</p> <p>8 contents of that fax.</p> <p>9 Is that the complete fax that you</p> <p>10 received?</p> <p>11 A Yes.</p> <p>12 Q Did you have a conversation with Mr.</p> <p>13 Healey after you received the --</p> <p>14 A No.</p> <p>15 Q -- July 15th?</p> <p>16 A No.</p> <p>17 Q Also included in this manila folder, is a</p> <p>18 letter, a memo dated December 26, 2006 to Attorney</p> <p>19 Wiegel, w-i-e-g-e-l, forwarding your notes for</p> <p>20 Mr. Roderick and that includes four-pages of notes</p> <p>21 for Mr. Roderick.</p> <p>22 Is that correct?</p> <p>23 A Yes, I assume so.</p> <p>24 Q Also in here is a summary of clinical</p>	<p>1 Gloria Small</p> <p>2 A Right.</p> <p>3 Q September 10, 2004 letter to Attorney</p> <p>4 Stevens also in respect to payment and a draft of a</p> <p>5 letter to Attorney Stevens dated August 5, 2004 just</p> <p>6 hold onto the correspondence for a moment.</p> <p>7 We have multiple copies except for one or</p> <p>8 two of those drafts of Attorney Stevens. I believe</p> <p>9 the September 10 there is another copy?</p> <p>10 A I did not quote clean up the file for you.</p> <p>11 I just brought the manila envelope.</p> <p>12 Q I do appreciate it.</p> <p>13 Okay?</p> <p>14 A You wanted me to look at this?</p> <p>15 Q That is an extra.</p> <p>16 If I may ask you about your correspondence</p> <p>17 with Attorney Stevens.</p> <p>18 Okay?</p> <p>19 A Yes.</p> <p>20 Q There's a -- first there is -- it's dated</p> <p>21 August 5, 2004, and it's in reference to</p> <p>22 Mr. Roderick who you indicated was under your care</p> <p>23 for PTSD he sustained -- he is suffering as a result</p> <p>24 of a May 22, 2004 incident which occurred aboard the</p>

7 (Pages 25 to 28)

Page 29	Page 31
<p>1 Gloria Small</p> <p>2 boat Avaclare, a-v-a-c-l-a-r-e, and you indicated in</p> <p>3 the letter that it was your understanding that</p> <p>4 Mr. Roderick was to pay whatever he is able to</p> <p>5 toward your fee of \$110.00 per session and that</p> <p>6 Mr. Stevens would guarantee that the total payment</p> <p>7 due you for services rendered would be paid through</p> <p>8 his office.</p> <p>9 Was that your understanding with Attorney</p> <p>10 Stevens?</p> <p>11 A No, my understanding was that, um, medical</p> <p>12 fees would be paid once the case was settled.</p> <p>13 Q And how did you arrive at that</p> <p>14 understanding?</p> <p>15 A Mr. Stevens asked if that would be</p> <p>16 acceptable to me, if I would see both Geal Roderick</p> <p>17 and Mike Stepski based upon their ability to pay,</p> <p>18 and if they couldn't pay, whether I would quote out</p> <p>19 of the goodness of my heart or pro bono or wait to</p> <p>20 be paid and I said that would be acceptable.</p> <p>21 Q When did you have that conversation with</p> <p>22 Mr. Stevens?</p> <p>23 A I'm not sure.</p> <p>24 Q Was it before you wrote your August 5 --</p>	<p>1 Gloria Small</p> <p>2 Did this particular version -- and we are</p> <p>3 going to mark this as Exhibit 5 for identification</p> <p>4 in a moment -- go out?</p> <p>5 A You mean did I send this to Mr. Stevens?</p> <p>6 Q Yes.</p> <p>7 A I assume so.</p> <p>8 Q I just note that there's no salutation or</p> <p>9 signature at the bottom as there are on the other</p> <p>10 letters?</p> <p>11 A There's a little note here on the top of</p> <p>12 it. It says something corrected something on</p> <p>13 letterhead. So this is probably -- you see that</p> <p>14 little note. So it's probably not on letterhead</p> <p>15 and, perhaps, as I initialed what went out. This is</p> <p>16 a copy for my on files.</p> <p>17 Q I'm going to ask the reporter if she</p> <p>18 would -- what I'd I like to do, with your</p> <p>19 permission, is to mark these as exhibits. We will</p> <p>20 send you copies.</p> <p>21 A I was going to ask will I have a copy of</p> <p>22 the transcript including the exhibits so we are all</p> <p>23 on the same page?</p> <p>24 Q Absolutely?</p>
Page 30	Page 32
<p>1 Gloria Small</p> <p>2 A What did I say in that August 5 letter.</p> <p>3 Q Why don't we take a break and mark all of</p> <p>4 those as exhibits?</p> <p>5 A Actually there is a sentence I say</p> <p>6 directly in here. It's my understanding that the</p> <p>7 patient was -- we must have had that discussion</p> <p>8 before that and in agreement. Although, this letter</p> <p>9 says I will be paid through his office, but I have</p> <p>10 not been paid through his office. I understood,</p> <p>11 perhaps, later that would happen once the case was</p> <p>12 settled.</p> <p>13 Q So just so I'm correct the understanding</p> <p>14 you.</p> <p>15 You have not been paid for treatment by</p> <p>16 Attorney Stevens at all?</p> <p>17 A No.</p> <p>18 Q Okay.</p> <p>19 And in this August 5 letter, you also</p> <p>20 indicate that you were seeing Mr. Stepski and you</p> <p>21 assumed that payment for service to him would be</p> <p>22 treated the same as Mr. Roderick?</p> <p>23 A Correct.</p> <p>24 Q Okay.</p>	<p>1 Gloria Small</p> <p>2 A Sounds good.</p> <p>3 (Defense Small Exhibits 5 through 10 marked for</p> <p>4 identification.)</p> <p>5 Q Back on the record.</p> <p>6 In addition to the August 5, 2004 letter</p> <p>7 to Attorney Stepski that we were just discussing,</p> <p>8 there's another letter also dated August 5, 2004 to</p> <p>9 Attorney Stevens. I think you have a copy in your</p> <p>10 file if you want to follow along. This one is not</p> <p>11 the salutation and your signature at the bottom.</p> <p>12 We've marked this as Exhibit 6. I think it was with</p> <p>13 this purple --</p> <p>14 A It's dated what?</p> <p>15 Q August 5, 2004?</p> <p>16 A Yes.</p> <p>17 Q Okay.</p> <p>18 And that is in reference to both Roderick</p> <p>19 and Stepski and a statement for services in</p> <p>20 reference to their -- a reference to a previous bill</p> <p>21 for Gael Roderick?</p> <p>22 A Um hum.</p> <p>23 Q At \$330?</p> <p>24 A Yup.</p>

8 (Pages 29 to 32)

Page 33

1 Gloria Small  
 2 Q Your treatment sessions were at \$110 a  
 3 session.  
 4 Is that right?  
 5 A Correct.  
 6 Q And you charged half that rate if there  
 7 was a no show?  
 8 A Correct.  
 9 Q And you had seen Mr. Roderick looks like  
 10 three times and there were two no shows?  
 11 A Correct.  
 12 Q And Stepski, in July there was one visit,  
 13 you saw him three times since; correct?  
 14 Says August 26th, September 2, and  
 15 September 9th?  
 16 A Let me just check some place else. This  
 17 is so confusing. Some place there is a summary of  
 18 the times I have seen both of them. I'm just  
 19 looking for it. Sorry.  
 20 Q Take your time.  
 21 A What is missing from this is my notes and  
 22 you probably have them.  
 23 Q I'll hand you the original notes.  
 24 A Since I didn't keep a copy, no. No, all

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1 Gloria Small  
 2 of the clinical notes. Okay.  
 3 What was your question again?  
 4 Q I'm just confirming that you had seen --  
 5 A The number of times saw --  
 6 Q Well, let's do it a little differently.  
 7 You have your clinical notes in front of you?  
 8 A Yes, and I can tell you the number of  
 9 times I saw each of them.  
 10 Q We will go over each visit, if that is all  
 11 right with you?  
 12 A Sounds okay.  
 13 Q Now, you started by first seeing Mr.  
 14 Stepski?  
 15 A Yes.  
 16 Q And you first saw him on July 8th, 2004.  
 17 Is that right?  
 18 A Correct.  
 19 Q Okay. And you prepared something which we  
 20 have marked as part of Exhibit 10 for identification  
 21 which is called a summary of clinical contact with  
 22 Mike Stepski.  
 23 Do you have that document in front of you?  
 24 A Yes.

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1 Gloria Small  
 2 Q When did you prepare that document?  
 3 A December 26th, 2006.  
 4 Q And what was the reason for preparing this  
 5 document?  
 6 A I believe I prepared that in reference to  
 7 a request from an Attorney Wiegel, I think that's  
 8 his name.  
 9 MR. HEALEY: Wiegel is his name.  
 10 A Wiegel.  
 11 What happened was --  
 12 MR. HEALEY: He didn't ask a question.  
 13 what I'm suggesting is let Mike  
 14 control his own --  
 15 THE WITNESS: You ask the questions.  
 16 Q In your practice as clinical psychologist,  
 17 is it your habit to take notes when you meet with a  
 18 patient?  
 19 A Yes.  
 20 Q Okay.  
 21 Do you have the notes that you took during  
 22 any of your meetings with either Mr. Stepski or  
 23 Mr. Roderick?  
 24 A I have some of the notes.

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1 Gloria Small  
 2 Q Actual handwritten notes?  
 3 A I don't take handwritten notes during the  
 4 meeting.  
 5 Q Is it fair to say then that after you meet  
 6 with the patient you write down some notes?  
 7 A Correct.  
 8 Q And is it your habit to type those notes  
 9 up?  
 10 A Correct.  
 11 Q And those are the notes that are typed up  
 12 and we have marked them as Exhibit 10.  
 13 Is that right, other than your clinical  
 14 summary?  
 15 A Correct, yes.  
 16 Q Are those all the notes that you have  
 17 concerning all of your visits with Mr. Stepski and  
 18 Mr. Roderick?  
 19 A Yes.  
 20 Q There is nothing else?  
 21 A No.  
 22 Q Okay.  
 23 Turning to this summary of clinical  
 24 contact. This was prepared in response to a request

9 (Pages 33 to 36)

Page 37	Page 39
<p>1 Gloria Small</p> <p>2 from Mr. Wiegel?</p> <p>3 A Yes.</p> <p>4 Q That request came in late 2006.</p> <p>5 Is that fair to say?</p> <p>6 A In the material we have his request so...</p> <p>7 Q Okay.</p> <p>8 And it indicates you saw Mr. Stepski nine</p> <p>9 times as a patient.</p> <p>10 Is that correct?</p> <p>11 A Correct.</p> <p>12 Q But in your file there's only two pages of</p> <p>13 typewritten notes concerning Mr. Stepski.</p> <p>14 Is that fair to say?</p> <p>15 A Correct. And I note that in the summary.</p> <p>16 Q And those two pages concerning your visits</p> <p>17 with Mr. Stepski, are dated July 8, 2004 and</p> <p>18 July 12, 2004.</p> <p>19 Correct?</p> <p>20 A Correct.</p> <p>21 Q Did you take notes concerning your visits</p> <p>22 of July 19, August 26, September 2, September 9,</p> <p>23 December 20 all in 2004 and in January 3, February</p> <p>24 10 of 2005?</p>	<p>1 Gloria Small</p> <p>2 Q Microsoft Word or some other type of file?</p> <p>3 A I guess.</p> <p>4 Q Am I getting beyond you?</p> <p>5 A Yes.</p> <p>6 I have people who do that for me. Yes, I</p> <p>7 type them in and somebody puts them into the</p> <p>8 computer.</p> <p>9 Q The first session that you had with</p> <p>10 Mr. Stepski your note is about a full page long.</p> <p>11 Correct?</p> <p>12 A Yes.</p> <p>13 Q The second session on July 12, 2004 your</p> <p>14 note is only five or six, seven lines long?</p> <p>15 A Correct.</p> <p>16 Q Were the notes for the other seven</p> <p>17 sessions approximately the same length?</p> <p>18 A The first note is an intake note which</p> <p>19 is a longer note. The other notes at sessions are</p> <p>20 progress notes, and they would typically be the same</p> <p>21 length as the, you know, the July --</p> <p>22 Q July 12th?</p> <p>23 A Yes.</p> <p>24 Q Let me refer you back to the intake note,</p>
Page 38	Page 40
<p>1 Gloria Small</p> <p>2 A I did.</p> <p>3 Q So what happened to those notes?</p> <p>4 A When I attempted to retrieve them from my</p> <p>5 computer, I did not find them.</p> <p>6 Q They just weren't saved somewhere?</p> <p>7 A Somewhere.</p> <p>8 Q They were typed up but they had been lost?</p> <p>9 A Correct.</p> <p>10 Q Okay.</p> <p>11 To your recollection, did you have a</p> <p>12 separate file for each or a separate document for</p> <p>13 each session on those dates?</p> <p>14 A I'm forgetting your question.</p> <p>15 Q When you take your notes, you type them up</p> <p>16 on a computer?</p> <p>17 A Um hum.</p> <p>18 Q You save them some how.</p> <p>19 Right?</p> <p>20 A No, not exactly. Um, I type them up on a</p> <p>21 little keyboard and then they are entered from the</p> <p>22 keyboard to the computer.</p> <p>23 Q Does the computer save them as a file?</p> <p>24 A Yes.</p>	<p>1 Gloria Small</p> <p>2 July 8th, 2004?</p> <p>3 A Yes.</p> <p>4 Q You indicate Mr. Stepski's address, phone</p> <p>5 number, date of birth and then referred by</p> <p>6 Attorney Ron Stevens. Then you indicate insurance,</p> <p>7 none self pay.</p> <p>8 What arrangements did you have at the time</p> <p>9 of first seeing Mr. Stepski concerning payment of</p> <p>10 your fees?</p> <p>11 A I stated to do him what the fee was, and</p> <p>12 he stated he would pay as he could, and I said that</p> <p>13 would be fine.</p> <p>14 Q Is there anything in writing concerning</p> <p>15 the fee agreement?</p> <p>16 A No.</p> <p>17 Q Did you ever issue any bill to</p> <p>18 Mr. Stepski?</p> <p>19 A No, I don't believe so.</p> <p>20 Q Did he ever pay you at all?</p> <p>21 A Yes, he did.</p> <p>22 Q When he paid you, did he pay you by check</p> <p>23 or in cash?</p> <p>24 A I don't remember.</p>

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1 Gloria Small  
 2 Q When Mr. Stepski paid you, did you furnish  
 3 him with a receipt?  
 4 A I don't remember.  
 5 Q How long was that first visit?  
 6 A Presumably, it was 50 minutes.  
 7 Q Who was there, if anyone, besides yourself  
 8 and Mr. Stepski?  
 9 A Just myself and Mr. Stepski.  
 10 Q And that was conducted here at your office  
 11 in Guilford or somewhere else?  
 12 A It was conducted at my office in Old Lyme.  
 13 Q Do you know what time of day it was?  
 14 A I don't remember offhand, but if I  
 15 consulted, I do have my calendar pages from that  
 16 year. If I looked at my calendar pages, I could  
 17 tell you.  
 18 Q Why don't we leave a blank in the  
 19 transcript, when you have a opportunity, if you  
 20 could fill in the time I'd appreciate that.  
 21 (See line 9 page 35: \_\_\_\_\_.)  
 22 Now, you go on to say, presenting problem  
 23 you say a fishing boat captained by Mike with two  
 24 members was crashed into by a freighter on a foggy

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1 Gloria Small  
 2 day, May 22, 2004.  
 3 Is that what he had told you or is that  
 4 what --  
 5 A It was what I remembered from what he had  
 6 told me.  
 7 Q Freighter ripped into boat, boat sank, man  
 8 held onto life raft, Mike's dog died, rescued by a  
 9 coast guard about four hours later.  
 10 That's all from your memory of what Mr.  
 11 Stepski told you happened in the accident?  
 12 A This is my summary as I put the presenting  
 13 problem from my own edification for clinical  
 14 purposes.  
 15 Q Did Mr. Stepski go into any further  
 16 details beyond what was reported by you on your  
 17 intake note --  
 18 A Yes, I'm sure he did. We spoke for 50  
 19 minutes, and this is my summary for my own purposes  
 20 of what he said.  
 21 Q Do you recall what else he said in respect  
 22 to how the accident had happened?  
 23 A Well, let me say, it was a long time ago.  
 24 It's now 2008, and I saw him in 2004, but I do have

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1 Gloria Small  
 2 some additional memories of what he said.  
 3 Q If you would tell me what you recall that  
 4 he told you that's not on here?  
 5 A I remember him talking a great deal about  
 6 the fog and about the lines that there were lines or  
 7 lanes that boats were supposed to be in lanes, and  
 8 that this boat that approached him was not in the  
 9 lane. Um, I remember his disbelief that the boat  
 10 didn't stop, um, there were details about -- he went  
 11 into many details about the pieces of things that  
 12 were on the the water and things that weren't on the  
 13 the water and how it was kind of a miracle that they  
 14 managed to get on the boat on this rubber thing. He  
 15 talked a great deal about the dog. These are the  
 16 things that stand out that I just mentioned as I  
 17 think back on it.  
 18 Q Did he tell you that he had observed a  
 19 target on his radar that he believes to ultimately  
 20 have been the boat that hit him?  
 21 A I don't remember that.  
 22 Q Do you recall him saying that he was  
 23 watching this radar and target coming closer and  
 24 closer as he continued to with his fishing?

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1 Gloria Small  
 2 A You know, I think so. I think something  
 3 like that is referred to. There's something about a  
 4 radar. I don't know, I don't see it in my notes  
 5 here, but there was something.  
 6 MR. HEALEY: May I just suggest that  
 7 you -- Mr. Unger simply asked you what  
 8 you remembered. If you don't --  
 9 THE WITNESS: I don't. It was a long  
 10 time ago. I don't remember.  
 11 MR. HEALEY: It saves you time, him  
 12 time and me time.  
 13 THE WITNESS: I'm trying to remember.  
 14 Q And I appreciate that. It's not a memory  
 15 test, I'm just trying to figure out what he told  
 16 you. If you remember, great. If you don't  
 17 remember, that's okay.  
 18 A Either I remember or I don't remember, but  
 19 he may have told me or may not have told me.  
 20 Q That's all we ask. So I appreciate that.  
 21 Do you recall if he related to you that he  
 22 had managed to get cold weather suits for his crew  
 23 members and get everything into the life boat?  
 24 A Yes, I remember that.

11 (Pages 41 to 44)

Page 45	Page 47
<p>1 Gloria Small</p> <p>2 Q And that he had managed to go around the</p> <p>3 area and they picked up certain supplies like a</p> <p>4 compass and picked up something called a epirb,</p> <p>5 e-p-i-r-b, which is a device to signal a coast</p> <p>6 guard?</p> <p>7 A I remember that, and it's referred to in</p> <p>8 the notes but I wasn't sure about the name of that</p> <p>9 device.</p> <p>10 Q And that they managed to come up with some</p> <p>11 supplies?</p> <p>12 A Yes.</p> <p>13 Q Do you remember among those supplies was</p> <p>14 some beer that had floated to the surface?</p> <p>15 A Yes. I'm not sure if I'm remembering or I</p> <p>16 just read it. It was beer and mustard and something</p> <p>17 else like honey or maple syrup or something.</p> <p>18 Q Okay.</p> <p>19 Other than what you've told us, is there</p> <p>20 anything else that you remember that Mr. Stepski</p> <p>21 said too you concerning how the accident happened?</p> <p>22 A No. My memory is the boat came toward him</p> <p>23 and struck the boat, struck his boat.</p> <p>24 Q Now, under the heading trauma, "the</p>	<p>1 Gloria Small</p> <p>2 volunteered or something you asked?</p> <p>3 A He volunteered.</p> <p>4 Q Would it make a difference to you about</p> <p>5 what the insured value of the the boat was?</p> <p>6 A No.</p> <p>7 Well, as a general listener, what I would</p> <p>8 have abstracted not the details but the financial</p> <p>9 hardship or loss the enormity of the loss to him.</p> <p>10 Q And you noted that they were 30 miles</p> <p>11 south of --</p> <p>12 A Um hum.</p> <p>13 Q -- in your report. It had been foggy, the</p> <p>14 freight that collided with them and Mr. Stepski</p> <p>15 apparently told you that the ship that collided with</p> <p>16 him should have known they were there because a</p> <p>17 modern radar would show them -- should have shown to</p> <p>18 the ships crew that there was a fishing boat there.</p> <p>19 Is that something he related to you?</p> <p>20 A I guess.</p> <p>21 Q Is there --</p> <p>22 A My memory was more something about a</p> <p>23 lanes, that they -- something about the lanes that</p> <p>24 the boat shouldn't have been where it was. I don't</p>
Page 46	Page 48
<p>1 Gloria Small</p> <p>2 trauma" you say, "Mike repeated details of the</p> <p>3 story."</p> <p>4 Is that what we just discussed, those are</p> <p>5 the details of the story that Mr. Stepski repeated</p> <p>6 to you or related to you?</p> <p>7 A Yes, but he may have repeated more about</p> <p>8 why didn't they stop, how could they -- you know, he</p> <p>9 may have repeated that but I didn't put that in</p> <p>10 there.</p> <p>11 Q You noted in your report he bought the</p> <p>12 boat about a year prior to the incident, he</p> <p>13 purchased it for \$25,000 and put \$100,000 or more</p> <p>14 into it.</p> <p>15 Do you recall him telling you that?</p> <p>16 A I wouldn't have remembered it because I</p> <p>17 don't tend to remember details like that but seeing</p> <p>18 it --</p> <p>19 Q But if it's in your notes, presumably it</p> <p>20 was told to you by Mr. Stepski?</p> <p>21 A Yes.</p> <p>22 Q Okay. Fair enough.</p> <p>23 You note the boat was only insured for</p> <p>24 \$35,000, is that something that Mr. Stepski</p>	<p>1 Gloria Small</p> <p>2 remember about a radar.</p> <p>3 Q There's nothing in your intake notes about</p> <p>4 lanes?</p> <p>5 A No.</p> <p>6 Q Correct?</p> <p>7 A About the lanes, no.</p> <p>8 Q Mr. Stepski apparently told you that he</p> <p>9 thought he would be lost for a long time and,</p> <p>10 perhaps, not ever found?</p> <p>11 A Yes.</p> <p>12 Q You knew that they were 30 miles from</p> <p>13 shore because he told you that.</p> <p>14 Right?</p> <p>15 A Yes.</p> <p>16 Q And you knew they were near the shipping</p> <p>17 lanes because he told you that.</p> <p>18 Right?</p> <p>19 A Yes.</p> <p>20 Q Did you believe it to be a reasonable fear</p> <p>21 on Mr. Stepski's part that they would be floating</p> <p>22 around in their life raft for a long period of time,</p> <p>23 maybe weeks?</p> <p>24 A You know, I never questioned that.</p>

12 (Pages 45 to 48)

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1 Gloria Small  
 2 Q And you never questioned that his  
 3 statement that he feared, perhaps, they would never  
 4 be found when they were only 30 miles away, they had  
 5 a compass, they were floating in a raft. They had  
 6 emergent cold weather suits?  
 7 MR. HEALEY: Survival suits it's  
 8 called.  
 9 Q They had some provisions?  
 10 A I never questioned it because he --  
 11 MR. HEALEY: You didn't. I don't mean  
 12 to snap it, but if you give an answer  
 13 you really don't have to give another  
 14 one.  
 15 A Okay.  
 16 Q So you said that they were floating in the  
 17 life raft for about three hours and the coast guard  
 18 picked them up by helicopter and brought them to the  
 19 coast guard station in Cape Cod.  
 20 Correct?  
 21 A Correct.  
 22 I would like to amplify the other question  
 23 because it is relevant to a psychological  
 24 perspective, perhaps, not a law school perspective.

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1 Gloria Small  
 2 The reason I didn't question is my sense of the  
 3 experience that Michael Stepski was presenting and  
 4 as he experienced what happened to him was as though  
 5 he might die.  
 6 Q Well, can we agree, doctor, that one can  
 7 have a belief that they might die under a particular  
 8 set of circumstances, but that belief may or may not  
 9 be rational?  
 10 A Well, a belief would not be rational, a  
 11 necessity belief or emotional reaction is not a  
 12 rational or experience but it is an experience  
 13 nevertheless.  
 14 Q Can one have an experience that has no  
 15 rational basis and --  
 16 A Let me give you -- I would like to say  
 17 something.  
 18 MR. HEALEY: I'm not stopping you but  
 19 I'm saying he wasn't through with his  
 20 question when you started.  
 21 Q I'm fine with the doctor, go ahead?  
 22 A There are cases that, perhaps, we all know  
 23 about of individuals who feel they are having heart  
 24 attacks and they present to the hospital. Low and

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1 Gloria Small  
 2 behold, they are not having a heart attack. They  
 3 are suffering panic or anxiety attacks that cannot  
 4 be verified until they get to the hospital.  
 5 Q Okay.  
 6 A So what I'm saying the experience of  
 7 something is sometimes different from the organic  
 8 reality of the case.  
 9 Q Either the organic reality or factual  
 10 reality as the case maybe?  
 11 A The factual reality but experience, if you  
 12 ask an emergency room doctor how many people they  
 13 see presenting that they think they are having heart  
 14 attacks but really are having panic attacks would be  
 15 a very high number.  
 16 Q You note again in your intake note that  
 17 Mr. Stepski was not allowed to bring his dog into  
 18 the helicopter with them?  
 19 A Yes.  
 20 Q Wasn't the dog already dead at this point?  
 21 A Yes.  
 22 Q And the loss of the dog was a sad event  
 23 for Mr. Stepski?  
 24 A Yes.

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1 Gloria Small  
 2 Q As it would be for most people that have a  
 3 pet?  
 4 A Sorry.  
 5 Q As it would be for most people when they  
 6 lose a pet?  
 7 A Yes.  
 8 Q Was the loss of the dog otherwise  
 9 significant in terms of your view of Mr. Stepski and  
 10 his, um, problems which flow out of this collision  
 11 at sea?  
 12 A Would you rephrase the question.  
 13 Q Sure was.  
 14 The loss of Mr. Stepski's dog in your  
 15 clinical view is a significant factor in whatever  
 16 clinical psychological problems you believe Mr.  
 17 Stepski has which are related to this accident?  
 18 A Perhaps.  
 19 Q No way to say definitively?  
 20 A No, but many people who have survived  
 21 trauma have, um, what's sometimes called survival  
 22 guilt. I don't think he would exactly feel why  
 23 didn't I die rather than my dog, but I think the  
 24 death was significant.

13 (Pages 49 to 52)

Page 53

1 Gloria Small  
 2 Q Did he ever explain to you in what way the  
 3 death of the dog was significant?  
 4 MR. HEALEY: I didn't -- just a  
 5 minute. Did you see -- did he ever.  
 6 MR. UNGER: Yes.  
 7 MR. HEALEY: You mean did Stepski ever  
 8 tell you.  
 9 MR. UNGER: Yes.  
 10 A We talked extensively about the the dog.  
 11 Q He had the dog for quite a number of  
 12 years?  
 13 A And how upsetting to have the dog die in  
 14 front of him at sea.  
 15 Q Anything else about the dog's death that  
 16 you consider significant?  
 17 A Other than that he was attached to it and  
 18 he saw the animal die in the accident, no.  
 19 Q You note that while they were in the life  
 20 raft --  
 21 A Sorry.  
 22 Q You note in your report that while they  
 23 were in the life raft before they were rescued by  
 24 the helicopter sounds were heard coming from another

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1 Gloria Small  
 2 boat, did Mr. Stepski tell you anything more about  
 3 those sounds?  
 4 A I don't remember.  
 5 Q And you note that panic set in and he  
 6 thought they would be hit again.  
 7 Is that what he told you?  
 8 A I guess so.  
 9 Q Why did he think they would be hit again?  
 10 MR. HEALEY: Object to the form.  
 11 Q If you know?  
 12 A I would assume if they were just hit once  
 13 here they could be hit again.  
 14 Q Did he tell you that or is that just  
 15 surmise on your part?  
 16 MR. HEALEY: The answer was I assume.  
 17 A I assume.  
 18 Q Okay.  
 19 Did he tell you that in addition to the  
 20 compass and epirb the other supplies, they had a at  
 21 least one flare with them?  
 22 A No, I don't remember that at all. I don't  
 23 think he said that.  
 24 Q Did he indicate that he or the other men

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1 Gloria Small  
 2 in the life raft attempted to signal the other boat  
 3 through a noise they heard while they were waiting  
 4 in the life raft?  
 5 A I don't remember that.  
 6 Q Is that something that you would I someone  
 7 in Mr. Stepski's situation to try to do to signal  
 8 any passing boat in order to gain their attention?  
 9 MR. HEALEY: I object. You can  
 10 answer. I'm just making an objection  
 11 saying I think it's improper question.  
 12 I don't decide that, I don't think it  
 13 is a proper question, but if you can  
 14 answer this question as to guess what  
 15 somebody else is going to be doing,  
 16 are you an expert in coast guard and  
 17 all, no. I don't see any basis. I've  
 18 I said more than what I should --  
 19 MR. UNGER: If you would not explain  
 20 the basis for your question I'd  
 21 appreciate that. Just for the doctors  
 22 benefit this is lawyer's stuff. If I  
 23 ask a question that Mr. Healey thinks  
 24 is improper he has an obligation on

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1 Gloria Small  
 2 the part of his client to preserve an  
 3 objection on the record and the judge  
 4 at some later time can make a ruling  
 5 whether or not your answer to the  
 6 question can be used in the case so.  
 7 A Am I required to answer?  
 8 MR. HEALEY: If you can.  
 9 A What was the question?  
 10 Q The question was, essentially, would you  
 11 expect that in a situation; such as, Mr. Stepski  
 12 found himself in where he was in a life raft and he  
 13 had a flare and he heard a noise from another ship  
 14 that he would try to signal a ship as it passed by?  
 15 A Again, it could go both ways. You could  
 16 be so paralyzed from fear that you don't respond or  
 17 you think one boat did it this one might or respond  
 18 the other way they might help me.  
 19 Q Did Mr. Stepski ever indicate that he was  
 20 paralyzed by fear?  
 21 A Mr. Stepski doesn't talk like that.  
 22 Q He doesn't what?  
 23 A Talk like that.  
 24 Q Not having, perhaps, used those specific

14 (Pages 53 to 56)

Page 57	Page 59
<p>1 Gloria Small</p> <p>2 words, did you get the impression that Mr. Stepski</p> <p>3 was so paralyzed by fear that he was not capable of</p> <p>4 taking action?</p> <p>5 A He might have used the words he was in a</p> <p>6 state of shock. On the other hand, we have scene</p> <p>7 the action that he did take which was very</p> <p>8 effective, but again we aren't inside of his mind</p> <p>9 and he would have been in control of getting the</p> <p>10 things from the boat where as if you have just been</p> <p>11 struck by a boat that was a whole different</p> <p>12 situation. If I had just been hit by a boat is this</p> <p>13 next boat going to hit me is different from let me</p> <p>14 swim around and get my stuff.</p> <p>15 Q So anything you and I or anybody else were</p> <p>16 to say about it would be speculation?</p> <p>17 A I would think so.</p> <p>18 Q Okay.</p> <p>19 Continue with your --</p> <p>20 A Well, except that all right it's quite</p> <p>21 obvious that this man wanted to save his life and</p> <p>22 the life of his, you know, we can conclude that he</p> <p>23 would have done what he thought was necessary if he</p> <p>24 was thinking clearly to do what would save them, and</p>	<p>1 Gloria Small</p> <p>2 A No.</p> <p>3 Q Okay.</p> <p>4 Then you say, "Mike did not know what to</p> <p>5 do."</p> <p>6 About what?</p> <p>7 A With his life.</p> <p>8 Q Okay.</p> <p>9 In terms of his whether to continue being</p> <p>10 a commercial fisherman?</p> <p>11 A Correct.</p> <p>12 Q As opposed to seeking some other form of</p> <p>13 employment?</p> <p>14 A Yes.</p> <p>15 Q You note he did go out fishing three times</p> <p>16 since the accident with other fishermen?</p> <p>17 A Um hum.</p> <p>18 Q Those were his words?</p> <p>19 A Yes, assume so.</p> <p>20 Q Did he also tell you that he had two other</p> <p>21 boats besides the boat that sank?</p> <p>22 A I think he talked about some other boats.</p> <p>23 Q Did he tell you that within about a week</p> <p>24 of this collision he was taking one of his other</p>
Page 58	Page 60
<p>1 Gloria Small</p> <p>2 if he didn't we would wonder what was going on in</p> <p>3 his mind, you know.</p> <p>4 Q Okay continuing with the June 5th note,</p> <p>5 you indicate that they were flown into the coast</p> <p>6 guard station in Cape Cod, his wife was you called,</p> <p>7 did he tell you his wife drove up to Cape Cod and</p> <p>8 picked them up?</p> <p>9 A I don't know if he told me but I did read</p> <p>10 the newspaper article which indicated that.</p> <p>11 Q Then you say that the coast guard</p> <p>12 determined from the records which boat it must have</p> <p>13 been.</p> <p>14 Did Mr. Stepski tell you that?</p> <p>15 A Yes.</p> <p>16 Q And did he indicate where he obtained that</p> <p>17 information?</p> <p>18 A He just told me the coast guard determined</p> <p>19 some records. I don't know which records.</p> <p>20 Q You don't know where he got that</p> <p>21 information from?</p> <p>22 A No.</p> <p>23 Other than what he said.</p> <p>24 Q You didn't inquire?</p>	<p>1 Gloria Small</p> <p>2 boats out fishing?</p> <p>3 A I don't remember about a week, but he did</p> <p>4 talk about some fishing that he did where he stayed</p> <p>5 very, very close to shore.</p> <p>6 Q On the Long Island Sound?</p> <p>7 A I don't remember which shore.</p> <p>8 Q Did you get a sense of how often or how</p> <p>9 soon he was back out fishing?</p> <p>10 A I don't know.</p> <p>11 Q Did you get a since of how long he stayed</p> <p>12 out on those trips?</p> <p>13 MR. HEALEY: Object to the form. "Did</p> <p>14 you get a sense," I don't know what</p> <p>15 that means.</p> <p>16 A All I remember is that he did some</p> <p>17 fishing. I think there were some other boats he was</p> <p>18 wondering how to manage his finances and he talked</p> <p>19 about staying close to the shore.</p> <p>20 Q Was one of his concerns that he didn't</p> <p>21 have any insurance for his boat beyond the \$35,000</p> <p>22 value that he told you about?</p> <p>23 A He, I guess mentioned that once, yes.</p> <p>24 Q He told you -- did he tell you that he</p>

15 (Pages 57 to 60)

Page 61	Page 63
<p>1 Gloria Small</p> <p>2 didn't have any kind of insurance that would pay for</p> <p>3 the rest of the value of the boat or to replace the</p> <p>4 income he would lose until he was able to replace</p> <p>5 that boat?</p> <p>6 A I don't remember the details, but he did</p> <p>7 talk about how he was going to manage this and</p> <p>8 manage that and just worried that it was not going</p> <p>9 to work out. I do remember him talking about, um,</p> <p>10 some new rules about how much he could catch and how</p> <p>11 much he couldn't catch and how those new rules were</p> <p>12 going to be a problem for him in terms of how he was</p> <p>13 going to go fishing and how he was going to make a</p> <p>14 living even if he did decide to fish.</p> <p>15 Q Did he say anything else with regard to</p> <p>16 any type to financial problems?</p> <p>17 A Yes, he went on and on about financial</p> <p>18 problems. I don't remember the details how he was</p> <p>19 going to support his wife, what he was going to do</p> <p>20 should he do this should he do that should he do the</p> <p>21 other thing.</p> <p>22 Q Did he discuss an alternative career?</p> <p>23 A One of the things he talked about was</p> <p>24 maybe a operating a fish store. There were other</p>	<p>1 Gloria Small</p> <p>2 behavior that he was reporting.</p> <p>3 Q What behavior was that?</p> <p>4 A Feeling jumpy looking around not being</p> <p>5 able to relax, constantly on the alert for danger.</p> <p>6 Q Not being a fisherman yourself, but just</p> <p>7 from your own general sense is that a normal type of</p> <p>8 reaction after you have been in an accident to</p> <p>9 become more aware of possible sources of danger and</p> <p>10 to pay more attention?</p> <p>11 A There's a difference between paying</p> <p>12 attention and hypervigilance.</p> <p>13 Q What expressly did he say that took him</p> <p>14 over the line from paying better attention to being</p> <p>15 hypervigilant in your view?</p> <p>16 MR. HEALEY: Objection to what did she</p> <p>17 said. She already told you what she</p> <p>18 observed, is this a different</p> <p>19 question?</p> <p>20 MR. UNGER: It's a different question</p> <p>21 she can answer?</p> <p>22 MR. HEALEY: He said, what did he say</p> <p>23 it's limited to that because you</p> <p>24 already described --</p>
Page 62	Page 64
<p>1 Gloria Small</p> <p>2 things he liked that he started to talk about. I</p> <p>3 don't remember what they were. He would come back</p> <p>4 to fishing. He liked the independence, he liked the</p> <p>5 aloneness of the -- there was something special</p> <p>6 about being a fisherman but he was thinking of what</p> <p>7 else he could do and what else he would do given his</p> <p>8 level of education.</p> <p>9 Q When he went out on other people's boats</p> <p>10 you note that he found it difficult to be just a</p> <p>11 crew?</p> <p>12 A Yes.</p> <p>13 Q What did he find difficult about being a</p> <p>14 crew as opposed to being a captain?</p> <p>15 A Just that he is used to being in charge</p> <p>16 and being a leader.</p> <p>17 Q And you also said that he was</p> <p>18 hypervigilant, very hypervigilant as you put in your</p> <p>19 report.</p> <p>20 Was that his word or your word</p> <p>21 "hypervigilant"?</p> <p>22 A I don't know, probably my word.</p> <p>23 Q Why did you indicate he was hypervigilant?</p> <p>24 A I was using the word to describe the</p>	<p>1 Gloria Small</p> <p>2 A I don't remember what he said. I</p> <p>3 summarized in my own words.</p> <p>4 Q What did he do in your words --</p> <p>5 A I think I just told you that.</p> <p>6 Q Let me just finish my question.</p> <p>7 What was it about Mr. Stepski's statements</p> <p>8 or actions in your view that took him over the line</p> <p>9 from paying more attention following an accident to</p> <p>10 being as you described him hypervigilant?</p> <p>11 MR. HEALEY: Object, you've asked it</p> <p>12 she answered it. She already told you</p> <p>13 what are you asking.</p> <p>14 MR. UNGER: If the doctor will</p> <p>15 acknowledge me we will get pass this?</p> <p>16 MR. HEALEY: To be fair now she</p> <p>17 doesn't have to add anything, if she</p> <p>18 has given you the full answer already;</p> <p>19 right?</p> <p>20 MR. UNGER: You've got your objection.</p> <p>21 MR. HEALEY: I thought -- I'm just</p> <p>22 saying I think in fairness she should</p> <p>23 know -- she's.</p> <p>24 MR. UNGER: You have already coached</p>

16 (Pages 61 to 64)

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1 Gloria Small  
 2 her enough, Tom.  
 3 MR. HEALEY: I am not trying to coach  
 4 her because you are --  
 5 MR. UNGER: You are trying to coach  
 6 her and I'd appreciate it if you  
 7 stopped so she can answer the question  
 8 and we can move on.  
 9 MR. HEALEY: Michael this statement  
 10 you left this statement I don't  
 11 appreciate you coaching her. I think  
 12 you are over the line and unfair. We  
 13 leave it like that and continue but...  
 14 Q Can you answer the question, doctor?  
 15 A Well, I don't feel coached.  
 16 Could you state the question again?  
 17 Q Sure.  
 18 A At this point, I've lost the question.  
 19 Q Okay.  
 20 All I'm trying to find out is what based  
 21 upon your session with Mr. Stepski caused you to  
 22 believe that he had crossed the line from simply  
 23 paying closer attention to what was going on after  
 24 he had an accident to being as you described him

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1 Gloria Small  
 2 hypervigilant?  
 3 A As I recall, I was sitting and listening  
 4 to him and I was listening to him talk about the  
 5 variety of his reactions. I don't remember what his  
 6 reactions were, but in listening to him describe his  
 7 reactions, I used today word hypervigilant to  
 8 describe his reaction as he reported them.  
 9 Q Okay.  
 10 You indicate that he did not feel he could  
 11 protect himself, in what way?  
 12 A In writing this I think I was capturing my  
 13 sense of a state of vulnerability about that was  
 14 being expressed in him, and that vulnerability may  
 15 have related to his sense of safety against forces  
 16 larger than himself. It may have been related to  
 17 his sense of being able to support himself and his  
 18 wife.  
 19 Q Sitting here today, you don't recall  
 20 exactly what it was that you were thinking about  
 21 when you wrote, "he is not be able to be there for  
 22 his family?"  
 23 A He was worried about his family, yes.  
 24 I'm not sure what you are asking.

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1 Gloria Small  
 2 Q His ability to be there for -- you wrote  
 3 "him" but I assume you meant them?  
 4 A Yes.  
 5 Well he was also worried about a brother,  
 6 he seemed, as I recall, very concerned about his  
 7 brother and his family in general, and that he  
 8 seemed to take care of his brother in some ways, and  
 9 his wife. He seemed to be a leader taking care of  
 10 many people, children and I'm not sure if he  
 11 provided some opportunities for his brother to do  
 12 fishing. And that opportunity may not have been  
 13 there something like that.  
 14 Q Went fishing with his brother out on his  
 15 boat, do you know how many times that would have  
 16 been went fishing with his brother out on his boat?  
 17 A No.  
 18 Q You recommended as a treatment plan  
 19 individual therapy to work through the trauma?  
 20 A Yes.  
 21 Q You considered EMDR. That's the EMDR we  
 22 were talking about before?  
 23 A Correct.  
 24 Q In terms of having individual therapy, can

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1 Gloria Small  
 2 you describe what you had in mind?  
 3 A That he would attend sessions and on a  
 4 regular basis that he would, um, attempt to work  
 5 through, talk through the problems, his reactions,  
 6 the whole situation until he was able to function in  
 7 a way that he felt normal himself.  
 8 Q How often did you envision these sessions?  
 9 MR. HEALEY: Each session or...  
 10 Q How frequent?  
 11 A I like to work with people on a weekly  
 12 basis. We probably spoke about that, I also make  
 13 myself available to people who are feeling in crisis  
 14 to come in more often or talk on the phone.  
 15 Q Do you believe that, um, had Mr. Stepski  
 16 seen you on a regular basis early on he would have  
 17 had a very good chance of having a favorable  
 18 outcome?  
 19 A Can you...  
 20 Q Had --  
 21 A Can you repeat the question.  
 22 Q Had Mr. Stepski seen you regularly from  
 23 July 8th for whatever period you think would have  
 24 been appropriate, do you anticipate that he would

17 (Pages 65 to 68)